

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <div style="text-align: center; font-size: 1.2em;">559P017</div>	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="text-align: center; font-size: 1.5em; font-weight: bold;">10/069663</div>	
INTERNATIONAL APPLICATION NO. <div style="text-align: center;">PCT/US00/24892</div>		INTERNATIONAL FILING DATE <div style="text-align: center;">12 September 2000</div>		PRIORITY DATE CLAIMED <div style="text-align: center;">13 September 1999</div>	
TITLE OF INVENTION OPTICALLY ACTIVE ISOMERS OF KETOTIFEN AND THERAPEUTICALLY ACTIVE METABOLITES THEREOF					
APPLICANT(S) FOR DO/EO/US <u>A.K. Gunnar Aberg, George E. Wright, Jan L. Chen and Andrew T. Maioli</u>					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 					
Items 11 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> 1. Powers of Attorney 2. Copy of the International Preliminary Examination Report; 3. Copy of the International Search Report; 4. Copy of Form PCT/IB/308 and Copy of Form PCT/IB/304. 					

U.S. APPLICATION NO. 10/069663		INTERNATIONAL APPLICATION NO. PCT/US00/24892		ATTORNEY'S DOCKET NUMBER 559P017																					
<div>21. <input checked="" type="checkbox"/> The following fees are submitted:</div> <div>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1040.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00</div> <div>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00</div> <div>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00</div> <div>ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY																					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 710.00																					
<table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th style="width:15%;">CLAIMS</th><th style="width:20%;">NUMBER FILED</th><th style="width:20%;">NUMBER EXTRA</th><th style="width:20%;">RATE</th></tr></thead><tbody><tr><td>Total claims</td><td>20- 20 =</td><td>0</td><td>x \$18.00</td></tr><tr><td>Independent claims</td><td>2 - 3 =</td><td>0</td><td>x \$84.00</td></tr><tr><td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td><td>+ \$280.00</td></tr><tr><td colspan="3">TOTAL OF ABOVE CALCULATIONS =</td><td>\$ 710.00</td></tr></tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	20- 20 =	0	x \$18.00	Independent claims	2 - 3 =	0	x \$84.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	TOTAL OF ABOVE CALCULATIONS =			\$ 710.00	\$ 710.00	
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Independent claims	2 - 3 =	0	x \$84.00																						
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00																						
TOTAL OF ABOVE CALCULATIONS =			\$ 710.00																						
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 355.00																					
SUBTOTAL =				\$ 355.00																					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 40.00																					
TOTAL NATIONAL FEE =				\$ 395.00																					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 40.00																					
TOTAL FEES ENCLOSED =				\$ 395.00																					
				Amount to be refunded: \$																					
				charged: \$																					
<div>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>355.00 & 40.00</u> to cover the above fees is enclosed.</div> <div>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</div> <div>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-0930</u>. A duplicate copy of this sheet is enclosed.</div> <div>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</div>																									
<div>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</div> <div>SEND ALL CORRESPONDENCE TO: <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div>Kevin S. Lemack Niels & Lemack 176 E. Main Street Westboro, MA 01581</div><div style="text-align: right;"><div> SIGNATURE Kevin S. Lemack NAME 32,579 REGISTRATION NUMBER</div></div></div></div>																									

10/069663

1818 Rec'd PCT/PTO 27 FEB 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : A.K. Gunnar Aberg, et al:
Serial No. : Not yet assigned (PCT/US00/24892)
Filed : Herewith By Express Mail (12 September 2000)
For : OPTICALLY ACTIVE ISOMERS OF KETOTIFEN AND
THERAPEUTICALLY ACTIVE METABOLITES THEREOF
Examiner : Not yet assigned
Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : **Powers of Attorney**

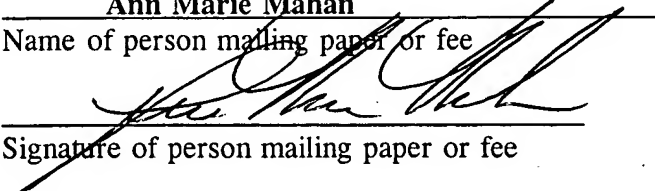
"EXPRESS MAIL" MAILING LABEL NO. **ET716733189US**

DATE OF DEPOSIT: February 27, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents and Trademarks, **BOX: PCT**, Washington, D.C. 20231.

Ann Marie Mahan

Name of person mailing paper or fee

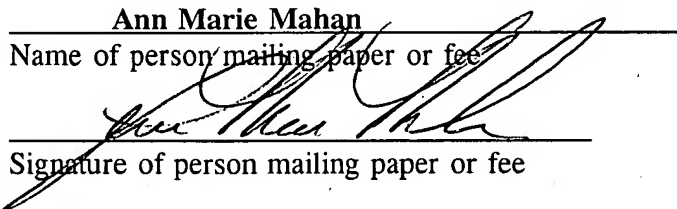

Signature of person mailing paper or fee

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 Serial No. : Not yet assigned (PCT/US00/24892)
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 Examiner : Not yet assigned
 Art Unit : Not yet assigned
 Attorney
 Docket No. : 559P017
 Type of paper : **Letter**

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Ann Marie Mahan
 Name of person mailing paper or fee

 Signature of person mailing paper or fee

Attorney Docket No. 559P017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **A.K. Gunnar Aberg, George E. Wright, Jan L. Chen and
Andrew T. Maioli**

For: **OPTICALLY ACTIVE ISOMERS OF KETOTIFEN AND THERAPEUTICALLY
ACTIVE METABOLITES THEREOF**

Assistant Commissioner of Patents and Trademarks

Box: PCT

Washington, D.C. 20231


Sir: LETTER

The above-identified applicants enclose for filing the national phase of a PCT patent application (PCT/US00/24892) entitled "OPTICALLY ACTIVE ISOMERS OF KETOTIFEN AND THERAPEUTICALLY ACTIVE METABOLITES THEREOF". Said attached PCT patent application includes (1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2-Pages); (2) Executed Declaration of the Inventors (3-Pages); (3) Power of Attorney (2-Pages); (4) Check in the amount of \$355.00 in payment of the Filing Fee; (5) Copy of the International Preliminary Examination Report (4-Pages); (6) Copy of the International Search Report (2-Pages); (7) Recordation Form Cover Sheet (1-Page), Assignment (2-Pages); (8) Check in the amount of \$40.00 in payment of the Recording Fee; (9) Copy of the Notice Informing the Applicant of the Communication of the International Application to the Designated Offices (Form PCT/IB/308)(1-Page); and (10) Copy of the Notification Concerning Submission of Priority Document (Form PCT/IB/304)(1-Page).

All correspondence concerning this application should be mailed to:

**Kevin S. Lemack
Niels & Lemack
176 E. Main Street
Westboro, Massachusetts 01581**

Respectfully submitted,


Kevin S. Lemack
Attorney for Applicant
Registration No. 32,579

Date: February 27, 2002

EXPRESS MAIL NO: ET716733189US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : A.K. Gunnar Aberg, et al.
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Examiner : Not yet assigned
Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : Transmittal Letter To The United States Designated/Elected Office
(DO/EO/US) Concerning A Filing Under 35 U.S.C. 371

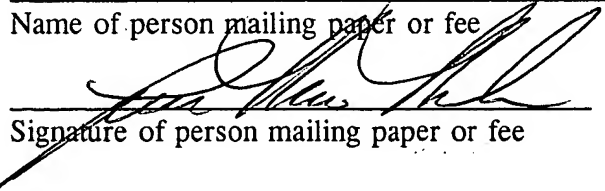
"EXPRESS MAIL" MAILING LABEL NO. ET716733189US

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Ann Marie Mahan

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Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : **Recording Fee**

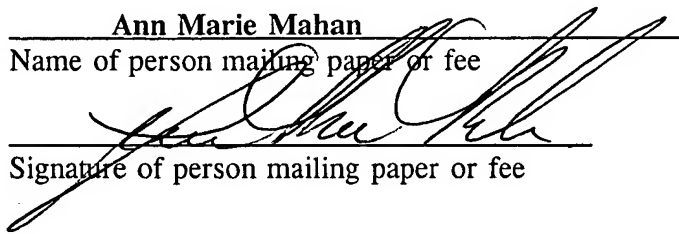
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10/069663

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Examiner : Not yet assigned
Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : Filing Fee

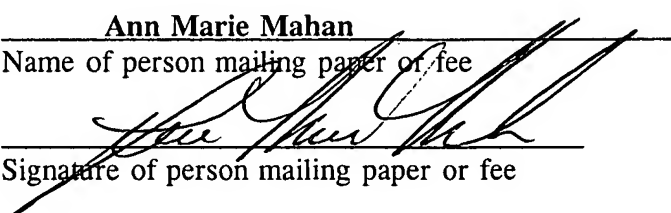
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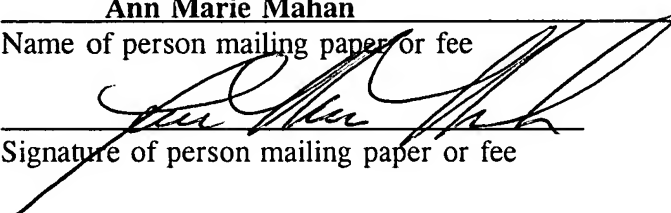

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Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : Executed Declaration

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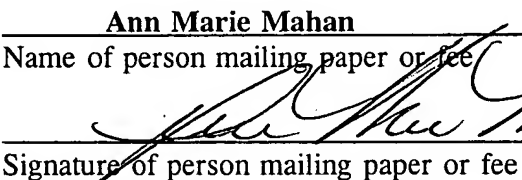
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Examiner : Not yet assigned
Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : **Copy of the International Search Report**

"EXPRESS MAIL" MAILING LABEL NO. **ET716733189US**
DATE OF DEPOSIT: February 27, 2002

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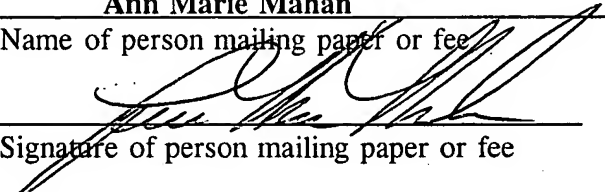
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Attorney
Docket No. : 559P017
Type of paper : **Copy of the International Preliminary Examination Report**

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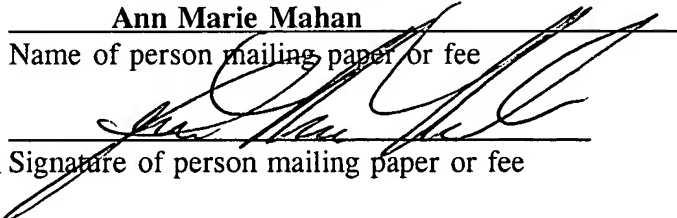
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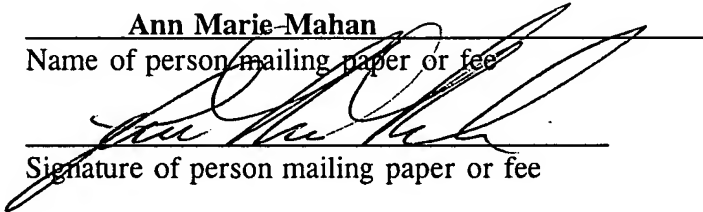
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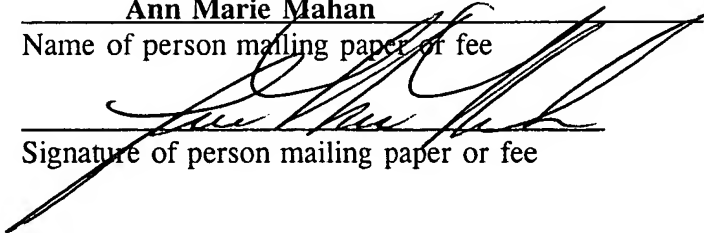
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Art Unit : Not yet assigned
Attorney
Docket No. : 559P017
Type of paper : Assignment

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